

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ANDRE SHARP,

Petitioner,

v.

EDWARD BORLA, WARDEN,

Respondent.

Case No. 1:23-cv-01557-NODJ-HBK (HC)

ORDER STRIKING IMPROPER PLEADING
FROM THE RECORD

(Doc. No. 19)

Pending for the Court's review is Petitioner's pro se pleading titled "Exhibit A," filed on February 26, 2024. (Doc. No. 19). Petitioner proceeds in this case on his petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1, "Petition"). On January 19, 2024, Respondent filed a motion to dismiss the Petition for failure to raise a cognizable federal habeas claim. (Doc. No. 11). Petitioner filed an opposition to the motion to dismiss on February 12, 2024, and Respondent filed a reply to the opposition on February 16, 2024. (Doc. Nos. 17-18).

Neither the Federal Rules of Civil Procedure nor the Local Rules provide for the right to file additional pleadings outside those described in Fed. R. Civ. P. 7(a). Further the Court did not direct the record to be expanded in this case. *See Rule 7, Rules Governing Habeas Corpus Cases in the United States District Courts.* Upon review the Court cannot discern the relevance of the pleading titled "Exhibit A." The pleading references Petitioner's eligibility for parole review but the issue of parole is not relevant to the grounds for relief raised in the Petition, which relate to

Petitioner's resentencing. (*Compare* Doc. No. 1 and Doc. No. 19).

Accordingly, it is **ORDERED**:

The Clerk of Court shall STRIKE Plaintiff's unauthorized pleading (Doc. No. 19) from the record.

Dated: February 29, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE